

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CRIMINAL CASE NO. 2:12-cr-00033-MR-DLH-2**

**UNITED STATES OF AMERICA)
)
vs.) ORDER
)
KENNETH ASHE.)
_____)**

THIS MATTER is before the Court on the Defendant's *pro se* letters and exhibits [Doc. 161] and the Defendant's *pro se* Motion to Reduce Sentence pursuant to 18 U.S.C. § 3582 [Doc. 165].

The Defendant has filed a notice of appeal [Doc. 151]. Generally speaking, the filing of a notice of appeal divests the district court of jurisdiction over a case. See United States v. Wooden, 230 F. App'x 243, 244 (4th Cir. 2007) (per curiam). "The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam). Here, the Defendant's motions relate solely to issues involved in his appeal. As such, this Court lacks jurisdiction to entertain the Defendant's motions.

IT IS, THEREFORE, ORDERED that the Defendant's filings, to the extent that such filings can be construed as motions [Docs. 161, 165], are **DENIED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

Signed: January 15, 2014



Martin Reidinger
United States District Judge

